

STATE OF MINNESOTA

EXECUTIVE DEPARTMENT



MARK DAYTON
GOVERNOR

Executive Order 12-05

**Providing for Protection and Advocacy for People with Mental Illness and
Continuing the Assignment of Responsibilities to Mid-Minnesota Legal
Assistance, the Surviving Corporation of the Legal Aid Society of
Minneapolis; Rescinding Executive Order 99-07**

I, Mark Dayton, Governor of the State of Minnesota, by virtue of the authority vested in me by the Constitution and applicable statutes, do hereby issue this Executive Order:

Whereas, provision of protection and advocacy to people with mental illness is of concern and importance to the state; and

Whereas, 42 U.S.C. § 10801 et seq., provides for allotments to states for the purposes of ensuring that the rights of individuals with mental illness are protected and advocated in conformance with constitutional, federal and state mandates including the Bill of Rights for mental health patients (42 U.S.C. § 10841) concerning provision of appropriate treatment and services, and assisting states to establish and operate a protection and advocacy system for individuals with mental illness, which shall be independent of any agency that provides treatment or services (other than advocacy services) to this population; and

Whereas, 42 U.S.C. § 10801 et seq., specifies that the eligible agency is the designated state system which has been established to protect and advocate for the rights of people with developmental disabilities under Subtitle C of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. § 15041);

Now, Therefore, I hereby order that:

1. In accordance with 42 U.S.C. § 10801 et seq., a mental health protection and advocacy system be maintained.
2. Mid-Minnesota Legal Assistance as the surviving corporation of the Legal Aid Society of Minneapolis, be designated as the protection and advocacy system for people with developmental disabilities and therefore is the designated protection and advocacy agency for mental health under 42 U.S.C. § 10801 et seq.
3. Mid-Minnesota Legal Assistance shall maintain an advisory council for the mental health protection and advocacy system. The committee shall have at least nine members and will conform to the membership requirements of 42 U.S.C. § 10801 et seq.
4. Mid-Minnesota Legal Assistance shall pursue all types of administrative, legal and other appropriate remedies to ensure the protection for rights of individuals with mental illness.
5. Mid-Minnesota Legal Assistance shall follow all applicable laws and rules of the State of Minnesota, including the Data Practices Act.

Under Minnesota Statutes 2010, section 4.035, subdivision 2, this Executive Order is effective 15 days after publication in the State Register and filing with the Secretary of State and shall remain in effect until rescinded by proper authority or it expires in accordance with 4.035, subd. 3.

In Testimony Whereof, I have set my hand on this 30th day of May 2012.


Mark Dayton
Governor

Filed According to Law:



Mark Ritchie
Secretary of State